1	INDECENT PUBLIC DISPLAY AMENDMENTS
2	2002 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Peggy Wallace
5	This act modifies the Criminal Code regarding indecent public displays by defining material
6	which has serious value for minors, and by clarifying the offense of distributing indecent
7	material to minors.
8	This act affects sections of Utah Code Annotated 1953 as follows:
9	AMENDS:
10	<b>76-10-1227</b> , as enacted by Chapter 80, Laws of Utah 1979
11	<b>76-10-1228</b> , as last amended by Chapter 163, Laws of Utah 1990
12	Be it enacted by the Legislature of the state of Utah:
13	Section 1. Section <b>76-10-1227</b> is amended to read:
14	76-10-1227. Indecent public displays Definitions.
15	For purposes of this [act] part:
16	(1) "Description or depictions of illicit sex or sexual immorality" means:
17	(a) human genitals in a state of sexual stimulation or arousal;
18	(b) acts of human masturbation, sexual intercourse, or sodomy; or
19	(c) fondling or other erotic touching of human genitals, pubic region, buttock, or female
20	breast.
21	(2) "Nude or partially denuded figures" means:
22	(a) less than completely and opaquely covered:
23	(i) human genitals;
24	(ii) pubic regions;
25	(iii) buttock; and
26	(iv) female breast below a point immediately above the top of the areola; and
27	(b) human male genitals in a discernibly turgid state, even if completely and opaquely



28	covered.
29	(3) (a) Descriptions or depictions of $\hat{\mathbf{h}}$ [illicit sex or sexual immorality and] $\hat{\mathbf{h}}$ nude or
29a	partially
30	denuded figures $\hat{\mathbf{h}}$ AS DEFINED IN SUBSECTION (2) $\hat{\mathbf{h}}$ [(a)] $\hat{\mathbf{h}}$ $\hat{\mathbf{h}}$ do not include any material which, when
30a	taken as a whole, has serious value for
31	persons younger than 18 years of age.
32	(b) As used in Subsection (3)(a), "serious value" means having serious literary, artistic,
33	political, or scientific value for persons younger than 18 years of age.
34	Section 2. Section <b>76-10-1228</b> is amended to read:
35	76-10-1228. Indecent public displays Prohibitions Penalty.
36	(1) A person is guilty of a class A misdemeanor who willfully or knowingly:
37	(a) engages in the business of selling, lending, giving away, showing, advertising for sale,
38	or distributing to any person under the age of 18 or has in his possession with intent to engage in
39	that business or to otherwise offer for sale or commercial distribution to any individual under the
40	age of 18 any material with descriptions or depictions of illicit sex, sexual immorality, or nude or
41	partially denuded figures; or
42	(b) publicly displays at newsstands or any other establishment frequented by minors under
43	the age of 18, or where the minors are or may be invited as a part of the general public, any motion
44	picture, or any live, taped, or recorded performance, or any still picture or photograph, or any book,
45	pocket book, pamphlet, or magazine the cover or content of which exploits, is devoted to, or is
46	principally made up of indecent descriptions or depictions of illicit sex or sexual immorality, or
47	that consists of pictures of nude or partially denuded figures posed or presented in a manner to

(2) A violation of this section is punishable by a minimum mandatory fine of not less than \$500 and by incarceration, without suspension of sentence in any way, for a term of not less than 30 days. This section supersedes Section 77-18-1.

provoke or arouse lust or passion or to exploit lust or perversion for commercial gain.

## Legislative Review Note as of 1-2-02 11:08 AM

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A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel